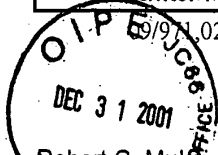




## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/971,020	10/05/2001	Hiroshi Sano	026350-068



Robert G. Mukai  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

CONFIRMATION NO. 3752

## FORMALITIES LETTER



\*OC000000007007955\*

Adjustment dates: 01/31/2002 NPROSASO  
01/04/2002 BARRAHAI 00000036 024800 09971020  
01 FC:205 65.00 CR

Date Mailed: 11/01/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/04/2002 BARRAHAI 00000036 024800 09971020

01 FC:205

65.00 CH

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Sugimura Int'l Patent  
REM

For questions regarding compliance to these requirements, please contact:


Sequence listing due 3/11/02  
Declaration due 11/1/02

BURNS, DOANE, SWECKER & MATHIS, L.L.P. RECEIVED	
NOV - 5 2001	
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- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Patent  
Attorney's Docket No. 026350-068

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Hiroshi SANO et al. ) Group Art Unit: 1646  
Application No.: 09/971,020 ) Examiner: Not Yet Assigned  
Filed: October 5, 2001 )  
For: THEOBROMINE SYNTHASE )  
POLYPEPTIDE OF COFFEE PLANT )  
AND THE GENE ENCODING SAID )  
POLYPEPTIDE )

**TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION**

**BOX: MISSING PART**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Notice to File Missing Parts of Application Under 37 C.F.R.  
§ 1.53(b) dated November 1, 2001, enclosed please find:

- ☒ a Combined Declaration and Power of Attorney signed by the inventor(s). The surcharge as set forth in 37 C.F.R. § 1.16(e) was previously submitted with the sequence listing filed on December 18, 2001. Therefore no additional fee is due.
- ☐ Note that the inventor(s) identified on the currently filed Combined Declaration and Power of Attorney are different than listed on the application filing papers.
- ☐ a Request for Refund;
- ☐ a Petition for Extension of Time;
- ☐ a verified English translation of the Application, and the \$130.00 (139) fee as set forth in 37 C.F.R. § 1.17(k);
- ☒ an Assignment document and a separate check for the \$40.00 (581) Assignment recordation fee;
- ☐ drawings for publication;
- ☒ other Information Disclosure Statement and PTO-1449;
- ☐ a check in the amount of \$ \_\_\_\_\_ for the fee due for missing parts; and

(05/01)

☐ charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due for missing parts.

☒ Small entity status is hereby claimed.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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(703) 836-6620

By: Robert G. Mukai  
Robert G. Mukai  
Registration No. 28,531

Date: December 31, 2001